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ATTORNEYS FOR PLAINTIFF AND
COUNTERDEFENDANT
SILICON STORAGE TECHNOLOGY, INC.

ATTORNEYS FOR DEFENDANT AND
COUNTERPLAINTIFF
XICOR LLC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SILICON STORAGE TECHNOLOGY,
INC.,

Plaintiff,

v.

XICOR LLC,

Defendant.

) **Case No. CV 10-01515 MHP**

) **JOINT CASE MANAGEMENT**
) **STATEMENT PURSUANT TO**
) **COURT'S APRIL 4, 2012 ORDER**

) **ORDER RESETTING CMC TO 10/5/12**

SAN FRANCISCO DIVISION

Pursuant to Civil L.R. 16-10(d), the parties to the above-entitled action certify that they met and conferred at least 10 days prior to the subsequent case management conference scheduled in this case and jointly submit this Supplemental Case Management Statement in this case.

1 **1. The following progress or changes have occurred since the last case**
2 **management statement filed by the parties:**

3 On January 18, 2012, Appellant, Xicor LLC, filed its principal brief.

4 On March 1, 2012, Appellees Silicon Storage Technology, Inc. and Greenliant Systems,
5 Inc. filed their principal brief.

6 On March 6, 2012, the Federal Circuit rejected Appellees' principal brief under Fed. R.
7 App. P. 32(a)(2)(C-D) and gave the Appellees 14 days to correct the deficiencies.

8 On March 13, 2012, Appellees Silicon Storage Technology, Inc. and Greenliant Systems,
9 Inc. filed their corrected principal brief.

10 On March 15, 2012, Appellant Xicor LLC filed its reply brief.

11 On March 22, 2012, the parties filed their joint appendix.

12 On June 7, 2012, oral arguments were heard by the Federal Circuit.

13 On August 22, 2012, the Federal Circuit issued an opinion affirming the district court's
14 finding that claims 12 and 13 of the RE'370 patent are invalid under the rule against recapture.

15 Appellant Xicor LLC has 30 days from the date of the Federal Circuit's judgment (or
16 until September 21, 2012) to file a petition for rehearing or a petition for rehearing en banc.

17 **2. August 31, 2012 Case Management Conference**

18 The parties are currently involved in settlement negotiations and would request that the
19 Court delay the case management conference scheduled for August 31, 2012 by 30 days in order
20 to allow the parties to pursue those discussions.

Respectfully submitted,

August 24, 2012

COVINGTON & BURLING LLP

By: /s/ Jo Dale Carothers
Jo Dale Carothers
Attorneys for Plaintiff Silicon Storage Technology, Inc.

August 24, 2012

SHORE CHAN BRAGALONE DEPUMPO LLP

By: /s/ Michael W. Shore
Michael W. Shore, Esq.
Attorneys for Defendant Xicor LLC

ATTESTATION

I, Michael W. Shore, am the ECF user whose User ID and Password are being used to file the JOINT CASE MANAGEMENT STATEMENT. In compliance with General Order 45.X.B, I hereby attest that concurrence in the filing of this document has been obtained from signatory Jo Dale Carothers.

August 24, 2012

SHORE CHAN BRAGALONE DEPUMPO LLP

By: /s/ Michael W. Shore

IT IS SO ORDERED that the CMC is reset from 8/31/12 to 10/5/12 at 9:00 a.m. An updated joint CMC Statement shall be filed by 9/28/12.

Edward M. Chen
U.S. District Judge

